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DEC 20 2004

Atty Docket No. 015280 371100US

PTO FAX NO.: 703-872-9306

ATTENTION: Examiner Gebreyesus

Group A t Unit 1652

**OFFICIAL COMMUNICATION  
FOR THE PERSONAL ATTENTION OF  
EXAMINER Gebreyesus**

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that the following documents in re Application of RYBAK and NEWTC N, Application No. 09/807,556, filed July 30, 2001 for SELECTIVE TOXICITY OF AMINO-TERMINAL MODIFIED RNASE A SUPERFAMILY POLYPEPTIDES are being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Documents Attached

1. Response to Restriction Requirement
2. Fee Transmittal PTO/SB/17 for 3-month extension @\$1020 (in duplicate)

Number of pages being transmitted, including this page: 5

Dated: December 20, 2004

  
Malinda C. Dagit

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TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, CA 94111-3834  
Telephone: 415-576-0200  
Fax: 415-576-0300

vi

TO/SB/17 (10-04)

# FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1020

## Complete if Known

Application Number 09/807,556  
 Filing Date July 30, 2001  
 First Named Inventor Susanna, Rybak M.  
 Examiner Name Not yet assigned  
 Art Unit 1633  
 Attorney Docket No. 015280-371100US

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit  
Account  
Number

20-1430

Deposit  
Account  
Name

Townsend and Townsend and Crew LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)

(\$)

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	..		
Multiple Dependent	X		

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	88	2201	44	Independent claims in excess of 3
1203	300	2203	150	Multiple dependent claim, if not paid
1204	88	2204	44	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continue)

## 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	1020
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unintentional	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or related fee)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1808	180	1808	180	Submission of Information Disclosure Statement	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid SUBTOTAL (3)

(\$)1020

## SUBMITTED BY

Complete if applicable

Name (Print/Type) Jean M. Lockyer, Ph.D. Registration No. (Attorney/Agent) 44,879 Telephone 415-576-0200  
 Signature [Signature] Date December 20, 2004

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PTO/SB/17 (10-04)

# FEE TRANSMITTAL for FY 2005

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☐ Applicant claims small entity status. See 37 CFR 1.27

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## Complete If Known

Application Number	09/807,556
Filing Date	July 30, 2001
First Named Inventor	Susanna, Rybak M.
Examiner Name	Not yet assigned
Art Unit	1633
Attorney Docket No.	015280-371100US

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SUBTOTAL (2)

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\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continue)

## 3. ADDITIONAL FEES

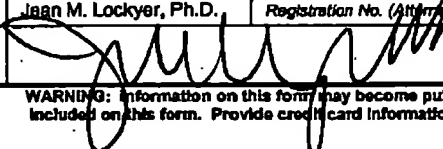
Large Entity		Small Entity		Fee Description	Fee Paid
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1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid SUBTOTAL (3)

(\$1020)

## SUBMITTED BY

Name (Print/Type)	Jaun M. Lockyer, Ph.D.	Registration No. (Attorney/Agent)	44,879	Telephone	415-76-0200
Signature				Date	December 20, 2004

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Fax No. 1-703-872-9306 on 20 Dec 2004

PATENT  
Attorney Docket No.: 015280 371100US  
Client Ref. No.: 1-230-98/0

TOWNSEND and TOWNSEND and CREW LLP

By: Malinda Adafis

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

RYBAK and NEWTON

Application No.: 09/807,556

Filed: July 30, 2001

For: SELECTIVE TOXICITY OF  
AMINO-TERMINAL MODIFIED  
RNASE A SUPERFAMILY  
POLYPEPTIDES

Confirmation No. 9130

Examiner: Kagnew H. Gebreyesus

Technology Center/Art Unit: 1652

RESPONSE TO RESTRICTION  
REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed August 20, 2004, please enter the following remarks. Enclosed herewith is a fee authorization to extend the time for response for three months.

In response to the restriction requirement, Applicants elect Group I, claims 1-14, drawn to an RNase A superfamily polypeptide selectively toxic to proliferating endothelial cells.

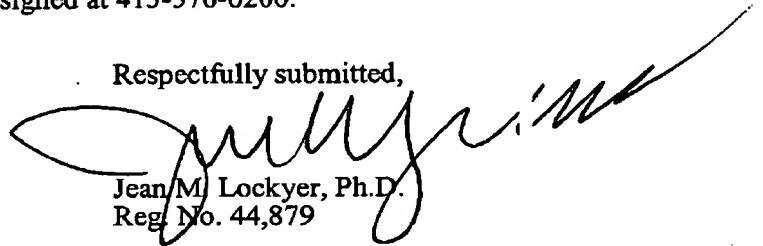
Appl. No. 09/807,556  
Amdt. dated December 20, 2004  
Reply to Office Action of August 20, 2004

PATENT

The foregoing election is made with traverse, as the four groups set forth by the Examiner all stem from a common concept and theory, and are thus related. As such, prosecution of the claims of Groups I-IV would not place a substantially greater burden on the Examiner. Applicants therefore respectfully request that the Examiner withdraw the Restriction Requirement and consider all the claims together.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



Jean M. Lockyer, Ph.D.  
Reg. No. 44,879

TOWNSEND and TOWNSEND and CREW LLP  
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San Francisco, California 94111-3834  
Tel: 415-576-0200  
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Attachments  
JML:jml  
60382343 v1